

IC 20-46-3

Chapter 3. Racial Balance Levy

IC 20-46-3-1

Application

Sec. 1. This chapter applies to a school corporation that:

- (1) is located in Allen County;
- (2) is a party to a lawsuit alleging that its schools are segregated in violation of the Constitution of the United States or federal law;
- (3) desires to improve or maintain racial balance among two (2) or more schools within the school corporation, regardless of the school corporation's basis for desiring to improve or maintain racial balance; and
- (4) has a minority student enrollment that comprises at least ten percent (10%) of its total student enrollment, using the most recent enrollment data available to the school corporation.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a racial balance fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-4

"Minority student"

Sec. 4. As used in this chapter, "minority student" means a student who is black, Spanish American, Asian American, or American Indian.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-5

Appeal

Sec. 5. A school corporation may petition the tax control board to impose a property tax to raise revenue for the purposes of the fund. However, before a school corporation may impose a property tax under this chapter, the school corporation must file a petition with the tax control board under IC 6-1.1-19. The petition must be filed before June 1 of the year preceding the first year the school corporation desires to impose the property tax and must include the following:

- (1) The name of the school corporation.
- (2) A settlement agreement among the parties to a desegregation

lawsuit that includes the program that will improve or maintain racial balance in the school corporation.

(3) The proposed levy.

(4) Any other item required by the school property tax control board.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-6

Recommendation; tax control board

Sec. 6. Subject to IC 6-1.1-18.5-9.9, the tax control board may recommend to the department of local government finance that a school corporation be allowed to establish a levy. The amount of the levy shall be determined each year and the levy may not exceed the lesser of the following:

(1) The revenue derived from a tax rate of eight and thirty-three hundredths cents (\$0.0833) for each one hundred dollars (\$100) of assessed valuation within the school corporation.

(2) The revenue derived from a tax rate equal to the difference between the maximum rate allowed for the school corporation's capital projects fund under IC 20-46-6 minus the actual capital projects fund rate that will be in effect for the school corporation for a particular year.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-7

Review; approval; department of local government finance

Sec. 7. The department of local government finance shall review the petition of the school corporation and the recommendation of the tax control board and:

(1) disapprove the petition if the petition does not comply with this section;

(2) approve the petition; or

(3) approve the petition with modifications.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-8

Levy; additional to other levies

Sec. 8. A levy is in addition to, and not part of, the school corporation's tuition support levy for purposes of determining the school corporation's maximum permissible tuition support levy under IC 20-45-3.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-9

Deposit of proceeds; fund

Sec. 9. Money received from a levy shall be deposited in the school corporation's fund.

As added by P.L.2-2006, SEC.169.